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No. 07-824

FILED
MAR 17 2008
OFFICE OF THE CLERK
SUPREME COURT, U.S.

In The
Supreme Court of the United States

A Condemnation Proceeding IN REM by the Redevelopment Authority of the City of Philadelphia County for the purpose of Redevelopment of North Philadelphia Redevelopment Area Brewerytown Urban Renewal Area Condemnation No. 1 Philadelphia, including certain land improvements and properties

Redevelopment Authority of the City of Philadelphia,
Respondent,
v.
Alson Alston,
Petitioner.

On Petition for Allowance of Appeal
To The Pennsylvania State Supreme Court

PETITION FOR REHEARING OF PETITION FOR WRIT OF CERTIORARI ON BEHALF OF PETITIONER ALSON ALSTON

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PARTIES TO THE PROCEEDINGS

The parties are the same as indicated in the Petition for Writ of Certiorari.

CITATIONS OF REPORTS OF OPINIONS BELOW

The United States Supreme Court, denying certiorari on February 19, 2008, did not issue an opinion. All other citations are the same as indicated in the Petition for Writ of Certiorari.

STATEMENT OF JURISDICTION

This Petition asks the Court to reconsider its order of February 19, 2008, which denied certiorari in this matter. This Petition is filed within twenty-five (25) days of the February 19, 2008 decision and is based on grounds limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented, thereby meeting the requirements of Supreme Court Rule 44.1 and 44.2.

BACKGROUND - INTERVENING CIRCUMSTANCES OF SUBSTANTIAL EFFECT

On February 13, 2008, this Court received my Motion for Recusal of Justice Samuel Alito. On February 19, 2008, this Court denied certiorari, but the docket does not reflect whether Justice Alito took part in the decision. The proximity of the date the Motion was received and the date of the conference suggests that the Motion was not properly considered by the Court before certiorari was decided.

ARGUMENT

THE MOTION SHOULD HAVE BEEN DECIDED BEFORE THE CONFERENCE WAS HELD.

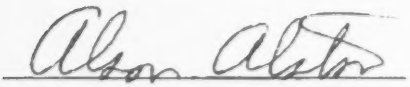
Because this Court did not rule on Petitioner's Motion for Recusal prior to deciding certiorari, it left viable the appearance of impropriety. This is contrary to *Liteky v. United States*, 510 U.S. 540, 548 (1994), which stated that:

> what matters is not the reality of bias or prejudice but its appearance. Quite simply and quite universally, recusal was required whenever "impartiality might reasonably be questioned."

CONCLUSION

Petitioner prays that the denial of certiorari will be vacated so that the Motion for Recusal can be decided prior to the ultimate decision on certiorari.

Respectfully submitted,



Alson Alston, *pro se*